

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VOLODYMYR MOISEYEV,

CASE NO. C23-1613JLR

Plaintiff,

## ORDER

V.

UNITED STATES DEPARTMENT  
OF HOMELAND SECURITY,

Defendant.

Before the court is Defendant United States Department of Homeland Security’s (“DHS”) motion to dismiss for lack of jurisdiction. (Mot. (Dkt. # 9); Reply (Dkt. # 15).) In response to DHS’s motion, *pro se* Plaintiff Volodymyr Moiseyev wrote a letter to the court, expressing his desire “to continue litigation.” (Letter (Dkt. # 12) at 3.) The court has considered the parties’ submissions, the relevant portions of the record, and the governing law. Being fully advised, the court GRANTS DHS’s motion.

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1 On October 20, 2023, Mr. Moiseyev filed a complaint seeking “an order  
 2 compelling Defendant to promptly adjudicate Plaintiff’s pending asylum application.”  
 3 (Compl. (Dkt. # 1) at 3.) On May 21, 2024, the San Francisco Asylum Office issued its  
 4 decision for Mr. Moiseyev’s asylum application. (Lehman Decl. (Dkt. # 10) ¶ 3.)

5 “Article III of the Constitution limits the jurisdiction of federal courts to ‘Cases’  
 6 and ‘Controversies.’” *Lance v. Coffman*, 549 U.S. 437, 439 (2007) (per curium). “A  
 7 case becomes moot—and therefore no longer a ‘Case’ or ‘Controversy’ for purposes of  
 8 Article III—‘when the issues presented are no longer “live” or the parties lack a legally  
 9 cognizable interest in the outcome.’” *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013).  
 10 “Federal courts lack jurisdiction to consider moot claims,” *Rosemere Neighborhood*  
 11 *Ass’n v. EPA*, 581 F.3d 1169, 1172 (9th Cir. 2009), and “[i]f the court determines at any  
 12 time that it lacks subject-matter jurisdiction, the court must dismiss the action, Fed. R.  
 13 Civ. P. 12(h)(3); see also *Am. Rivers v. Nat’l Marine Fisheries Serv.*, 126 F.3d 1118,  
 14 1123 (9th Cir. 1997) (“If an event occurs that prevents the court from granting effective  
 15 relief, the claim is moot and must be dismissed.”).

16 Here, Mr. Moiseyev has achieved the relief sought in the complaint: adjudication  
 17 on his asylum application. As DHS argues, to the extent Mr. Moiseyev alleged an injury  
 18 in fact, this court can no longer redress that injury. (Mot. at 4.)

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Accordingly, the court GRANTS DHS's motion (Dkt. # 9) and DISMISSES this matter without prejudice.

Dated this 26th day of June, 2024.

  
JAMES L. ROBART  
United States District Judge